

## REMARKS

Claims 65, 66, 72, 73, and 79-93 are pending in the present Application. All claims are rejected under 35 U.S.C. §101 and §112. In view of the above amendments and the following remarks, Applicants respectfully request reconsideration of the Application.

### Rejection Under 35 U.S.C. § 101

In paragraph 5 of the Office Action, the Examiner rejected claims 65, 66, 72, 73, and 78-93 under 35 U.S.C. §101 "because the claimed invention is directed to non-statutory subject matter." *Office Action*, 3 at ¶ 5. Specifically, the Examiner contends that the claims "are directed to manipulating abstract ideas" and that the claims "manipulat[e] an abstract idea without any concrete, useful, and tangible result." *Office Action*, 3 at ¶ 5.

In response, Applicants have amended independent claims 65, 72, 73, and 86 to recite mapping a texture onto a surface of a computer generated object "in order to generate a graphical image." This graphical image is a "concrete, useful, and tangible result" (in the sense that the graphical image may be displayed). *In re Alappat*, 33 F.3d 1526, 1544 (1994). As such, amended independent claims 65, 72, 73, and 86 are now directed to statutory subject matter that is concrete, useful, and tangible. Furthermore, claims 66, 78-85, and 87-93 are also directed to statutory subject matter by way of their dependency from their respective independent claims.

Additionally with respect to "electronically-readable medium" claim 73 (and claim 72 by virtual of it reciting an electronically-readable medium), the Examiner found "it is not clear if the stored program causes the computer to perform the claimed method of just allows the computer to perform the method such as an operating system." *Office Action*, 6 at ¶ 5. In response, Applicants have amended claims 72 and 73 to recite an

"electronically-readable medium having embodied thereon a program, the program being executable by a computer to perform a method."

#### Rejection Under 35 U.S.C. §112

In paragraph 7 of the Office Action, the Examiner rejected claims 65, 66, 72, 73, and 78-93 "under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant (sic) regards as the invention." *Office Action*, 9 at ¶ 7. Applicants respectfully traverse with respect to the amended claims.

With respect to claim 65, the Examiner found "'a specular reflectance coefficient map associated with a texture map of the texture" [ ] is not clear [as to] how the map is associated with a texture map." *Office Action*, 9 at ¶ 7. In order to clarify the claim, Applicants have deleted the association language. As such, the 35 U.S.C. §112 rejection of claim 65 is now moot. Furthermore, the same rejection with respect to dependent claim 66 is also moot.

The Examiner further found that claims 72 and 78 "have the same problems as claims 65 and 66." *Office Action*, 10 at ¶ 7. Similarly, Applicants have removed the association language from independent claim 72. Therefore, claim 72 and claim 78, which depends from claim 72, are no longer indefinite.

With respect to claim 73, the Examiner states "[c]laim 73 at line 5 claims accessing a texture map, at line 6 claims accessing a detail map and at line 11 claims associating at least one texel of the texture map with a region of the detail map. The specification on page 20 lines 13-27 describes assessing (sic) the detail map 906 and then accessing the texture map 910. . . . Thus, the order in which the claims access the detail map and texture map are reversed. One or the other needs an amendment." *Office*

Action, 10 at ¶ 7. In order to advance prosecution, Applicants are rearranging these two limitations. Notwithstanding, the Applicants respectfully traverse the reasoning of this rejection.

First, "Figures 9(a) and 9(b) are, respectively, schematic and flow diagrams of *an embodiment* employing detail maps." (pg. 4, ln. 23-24) (emphasis added). That is, the description on page 20 lines 13-27 describes **one embodiment** for utilizing detail and texture maps; it is **not** the only embodiment. See *Altiris, Inc. v. Symantec Corp.*, 318 F.3d 1363, 1370 (Fed.Cir. 2003) (concerning not limiting the claims to a preferred embodiment).

Secondly, whether the steps of a process claimed must be performed in a specific order or sequence depends on the wording of the claim as interpreted in view of the patent's specification and prosecution history. See *Interactive Gift Express, Inc. v. Compuserve Inc.*, 256 F.3d 1323 (Fed. Cir. 2001). That is, "not every process claim is limited to the performance of its steps in the order written." *Loral Fairchild Corp. v. Sony Corp.*, 181 F.3d 1313, 1322 (Fed. Cir. 1999). Thus, where the claim does not expressly state or necessarily imply the sequence of all or some steps, it would cover the steps performed in any order.

Because claim 73 does not expressly state or necessarily imply the sequence for accessing a texture map and accessing a detail map, the steps may be performed in any order. That is, the texture map may be accessed prior to accessing the detail map, or the detail map may be accessed prior to accessing the texture map. As such, Applicants do not believe that the 35 U.S.C. §112 rejection of claim 73, in this respect, is proper.

The Examiner also rejected claim 73 finding that the "associating step is indefinite because the only associating performed is by the offset maps which occurs before the detail map is accessed." *Office Action*, 10 at ¶ 7. Applicants disagree.

Claim 73 recites "associating at least one texel of the texture map with a region of the detail map." "Associating" as used in claim 73 refers to the generic meaning of

“bring together or into relationship in any of various intangible ways.”<sup>1</sup> That is, there is *a relationship between* the at least one texel of the texture map and the region of the detail map.

In one embodiment, according to the specification, detail maps:

can be assigned to any texture . . . map. Level 0 of any map can be considered as the top-level of a detail mipmap, which in turn has the four levels  $\otimes = -1 \dots -4$ . Each texel in level 0 covers an area of 16x16 texels in level -4, and is assigned a pointer into the associated region of the detail map . . . . [T]hese pointers are two 8-bit offsets which are stored separately in so-called detail offset maps.

(pg. 20, ln. 5-11).

Furthermore, “[t]exture coordinates are used to access the detail offset maps, yielding the detail region coordinates of the nearest-neighbor texel. Using these addresses, the detail mipmap is accessed.” (pg. 20, ln. 14-16). Claims 79 and 83 further describe the relationship between the at least one texel of the texture map and a region of the detail map.

Based on the general meaning of the word “associating,” the cited portion of the specification, and the language of dependent claims 79 and 83, Applicants do not believe that claim 73 is indefinite.

Claim 86 is rejected as having “the same problems that is (sic) present in claim 73.” *Office Action*, 11 at ¶ 7. By way of the arguments provide above with respect to the order of the steps and the “associating” limitation, Applicants believe amended claim 86 is not indefinite.

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<sup>1</sup> *Merriam-Webster Online*: associate (available at <http://www.m-w.com/cgi-bin/dictionary?book=Dictionary&va=associating>).

### Examiner's Response to Arguments

In paragraph 3, the Examiner found Applicants' arguments filed on 6/25/2004 "are persuasive to overcome the 103 rejection based upon Kelley et al. and Williams, L., 'Pyramidal Parametrics' and the 103 rejection based upon Kelley et al., Williams, and further in view of Cosman." *Office Action*, 2 at ¶ 3. As such, Applicants would appreciate an indication of allowability.

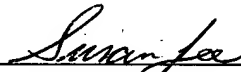
## CONCLUSION

Based on the foregoing amendments and remarks, Applicants believe that the rejections in the Office Action of August 30, 2005 are fully overcome, and that the Application is in condition for allowance. If the Examiner has questions regarding the case, he is invited to contact Applicants' undersigned representative at the number given below.

Respectfully submitted,  
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